

IN THE UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO *ex rel.*  
State Engineer,

Plaintiff,  
v.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM

Section 5, Rio Gallina

Subfile No.: CHGA-002-0035B

**NOTICE AND ORDER TO SHOW CAUSE**

To: ANDREW J. LEYBA  
2949 CLOVER LN. SW  
ALBUQUERQUE NM 87105

To: ANTHONY LEYBA  
2949 CLOVER LN. SW  
ALBUQUERQUE NM 87105

To: EDWARD LEYBA  
2949 CLOVER LN. SW  
ALBUQUERQUE NM 87105

**Subfile No.: CHGA-002-0035B**

**Ditch or Acequia**

Cordova/Martinez Ditch

**Priority Dates**

You are hereby notified that the Court has entered an order requiring you to file an objection if you disagree with the State's proposed determination of the priority date of your water right or ditch, or the priority date for any other community or private ditch in Section 5 (Rio Gallina). The priority dates proposed for these ditches are:

Vigiles Ditch	1876
Rincon Ditch	1876
Placitas Ditch	1876
Sanchez-Maestas Ditch	1876
Cordova-Martinez Ditch	1878
Gonzales-Gurule Ditch	1878
Cecilia Ditch	1878
Valdez Ditch	1878
Emilio Jacquez Ditch	1902

These priority dates described above will apply to all individual irrigation water rights served by the ditches listed, unless individual water rights holders file objections.

#### **Irrigation Water Requirements**

In addition, you are hereby notified that the Court has entered an order requiring you to file an objection with the Court if you disagree with the State's proposed determination of the the irrigation water requirements for surface water irrigation use in Section 5 (Rio Gallina) as described below:

- a. The weighted consumptive irrigation requirements (CIR) is 1.38 acre-feet per acre per annum.
- b. The farm delivery requirement (FDR) is 3.46 acre-feet per acre per annum.
- c. The project diversion requirement (PDR) is 5.77 acre-feet per acre per annum.

The term "Consumptive Irrigation Requirement" (CIR) refers to the quantity of water, expressed in acre-feet per year, exclusive of effective precipitation, that is consumptively used by plants or is evaporated from the soil surface during one calendar year. The term "Farm Delivery Requirement" (FDR) refers to the quantity of water expressed in acre-feet per acre per year, exclusive of effective precipitation, delivered to the farm headgate or which is diverted from a

source of water which originates on the farm itself, such as a well or spring, necessary to satisfy the consumptive irrigation requirements of crops grown on a farm in one calendar year. The “Project Diversion Requirement” (PDR) or off-farm diversion requirement is defined as the quantity of water, exclusive of effective precipitation, which is diverted from the stream or an off-farm source to satisfy the farm delivery requirement for one calendar year. The irrigation water requirements set forth above do not include diversion requirements associated with stockponds or other impoundments determined to have valid water rights in these proceedings.

If you agree with the priority dates and irrigation water requirements described above, you do not need to take any action, and the Court will enter an order that recognizes the elements of your water rights and the water rights of other surface water users in Section 5 as described above. If you disagree, you must follow the instructions below.

This will be your only opportunity in these proceedings to object to the determination of priority dates or irrigation water requirements in Section 5. Subsequent *inter se* proceedings in Section 5 will not include the opportunity to object to those determinations

IT IS THEREFORE ORDERED THAT if you object to any of the priority dates stated above, or to the irrigation water requirements for surface water irrigation use in Section 5 as stated above, you must file the form entitled Objection and Response to Notice and Order to Show Cause with the Court, in person or by mail FOR RECEIPT NO LATER THAN DECEMBER 31, 2007:

United States District Court Clerk  
120 South Federal Place  
Santa Fe, NM 87501

If you timely file an objection the Special Master will notify you of a mandatory scheduling and pretrial conference, where you will learn how objections will be heard by the Court. This will be your only opportunity to object to these elements of your water rights or any other water rights. If you fail to timely object and to attend the scheduling and pretrial conference you may not raise objections in the future.

If you have any questions, call or write:

Edward G. Newville  
Special Assistant Attorney General  
Office of the State Engineer  
P.O. Box 25102  
Santa Fe, NM 87504-5102  
(505) 867-7444 phone  
(505) 867-2299 facsimile

or,

Mary E. Humphrey  
Attorney for Gallina-Capulin Acequia  
Association and Section 5 Acequias  
P.O. Box 1574  
El Prado, NM 87529-1574  
(505) 758-2203 phone  
(505) 758-5129 facsimile



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BRUCE D. BLACK  
UNITED STATES DISTRICT JUDGE

Approved:

/electronic signature/  
VICKIE L. GABIN  
SPECIAL MASTER